

Jeanne LoCicero

From: Gagnon, Joseph <jgagnon@coe.ufl.edu>
Sent: Friday, June 2, 2017 11:00 AM
To: Mary-Lee Kimber Smith
Cc: 'Gregory Bueno'; Seth Packrone; Rebecca Livengood; Jeanne LoCicero; Friedman, Brian L.; Gagnon, Joseph
Subject: Re: Plaintiffs' Comments on Categories of Document Discovery
Attachments: Changes Categories of Document Discovery June 2 2017.docx; Categories of Document Discovery June 2 2017.docx

Hi,
I am attaching two updated documents of the Categories of Document Discovery. The first "Changes Categories of Document Discovery June 2 2017" has all of the changes highlighted. The other file is the same, but the highlights have been removed. There is repetition within the document concerning general requests and requests for the Plaintiffs. However, I just added in all of the requested information to make things more specific.

Also, I just wanted to mention that I didn't get a corrected Retention Agreement.

Cheers,
Joe

Joseph Calvin Gagnon, Ph.D.
Associate Professor
Department of Special Education, School Psychology,
and Early Childhood Studies
University of Florida

Associate Director for Research and Grants Development
Center on Children and Families
Levin College of Law
University of Florida

618 SW 12th Street
P.O. Box 117050 / 1420 Norman Hall
Gainesville, FL 32611-7050
(352) 273-4262
Fax: (352) 392-2655

From: Mary-Lee Kimber Smith <msmith@dralegal.org>
Sent: Tuesday, May 30, 2017 8:01 PM
To: Gagnon, Joseph
Cc: 'Gregory Bueno'; Seth Packrone; Rebecca Livengood (rlivengood@aclu-nj.org); Jeanne LoCicero (jlocicero@aclu-nj.org); Friedman, Brian L.
Subject: Plaintiffs' Comments on Categories of Document Discovery

Dr. Gagnon,

Thank you for sharing your revised categories of document discovery. Per the parties' discussion on Friday, Plaintiffs have attached your revised categories of document discovery with our comments. As always, these are intended as suggestions.

If you have any questions, please do not hesitate to email me (copying Greg).

Thank you.

Sincerely,

Mary-Lee

Mary-Lee Kimber Smith
Director of Litigation

Disability Rights Advocates
2001 Center Street, Fourth Floor
Berkeley, California 94704-1204
510-665-8644 Ext. 114 (Tel)
510-665-8511 (Fax)
www.dralegal.org

STATEMENT OF CONFIDENTIALITY

The contents of this e-mail message and any attachments are confidential and are intended solely for the addressee. This information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or at (510) 665-8644 and delete the message and its attachments, if any.

Categories of Document Discovery-Revised by Dr. Gagnon May 25, 2017

for Adam X., et al. v. New Jersey Department of Corrections, et al.

Information is needed for each facility for which there will be an evaluation.

Initial Documents for all NJ Facilities

- All centralized policies and procedures for NJDOC and NJDOE that pertain to educational services provided to people in NJDOC custody, including any instances where information requested below is standardized at the state level and required of all facilities.
- All policies and procedures relating to the intake of young people age 21 and under that are used to determine the NJDOC facilities in which a young person is placed.
- List of all NJ facilities where youth 21 and under are placed and all facilities where youth 21 and under can be placed
- List of all NJ facilities where education is provided and courses available at each, daily and weekly schedule including the number of instructional minutes
- List of all NJ facilities where vocational education is provided and courses available at each, daily and weekly schedule including the number of instructional minutes
- List of all NJ facilities where pre-vocational education i.e., job skills) is provided and courses available at each, daily and weekly schedule including the number of instructional minutes
- List of all NJ facilities where GED preparation is provided, daily and weekly schedule including the number of instructional minutes

General Pre-Visit Documents

- Youth (21 and under) totals by age, disability, attending school, enrolled in GED, participating in vocational education, those housed/educated outside of general population
- Listing of all separate units in the facility (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Map of facility and grounds
- Staffing chart

1) New Jersey Department of Corrections (NJDOC) policies and procedures relating to the intake of young people age 21 and under (hereinafter “young people”), including but not limited to the following categories:

Pre-Visit

- Student handbook
- Intake and Child Find policies, procedures, forms, and assessments
- Policies and procedures for identifying inmates with English as a Second Language
- Length and schedule of activities for pre-enrollment to school
- Process for requesting education and special education records, information from previous educational placements or other service providers, including hospitals, to check if students have already been identified as having a disability
- Policy for placing students in classes

On-Site

- List of student intake dates and dates of IEP meetings
- List of all students who have failed a course in the two previous years in public school and transcripts for each
- Log of communications with public schools for the last month for any young person entering the facility

2) Information about the educational services offered by NJDOC, including but not limited to the following categories, other than curriculum (addressed below):

Pre-Visit

- Any educational waivers from the state
- Most recent external audit of education/special education services
- Most recent internal audit of education/special education services
- Daily, weekly, and school year schedules (including minutes of instruction)
- Policy for student participation in the GED program (if program exists)
- Facility handbook
- School line item budget
- Daily and weekly inmate schedule, including specific school schedule
- Number of classrooms
- Class size
- For last 3 months, number of interruptions in classroom services and the reasons for the interruptions, including class cancellations, lockdowns or other security decisions that resulted in the restriction, denial, alteration, or delay in the provision of educational services, including the number of instances in which “independent study” (or other variations in terminology) has been implemented in lieu of in-class instruction. [L] [SEP]
- The schedules for all sanctioned activities that occur during the school day (e.g., work experience, canteen, etc.) at the main facility school and any variations across other facility schools and/or units (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Homework policy
- Living unit policy concerning possession of educational materials and allocated time for homework
- A listing of all locations where adolescents received educational services outside the physical perimeter of the school
- Current policies reflecting any variation in the provision of education/special education services at the main facility school and any exclusionary areas (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.), including variations in materials, courses available, methods of instruction, access to qualified teachers, minutes of instruction per day and week, and ability to complete homework, as well as identification of the location education services are provided

On-Site

- Number of young people qualified to receive educational services
- Lesson plans for current and previous week
- Teacher grade books for current marking period
- List of students enrolled in each class with identification of those with disabilities on the

list

- List of all students who have failed a course in the two previous marking periods at the facility and transcripts for each
- Examples of student academic work (Requested on-site for those young people identified as having a history of academic failure)

3) Information about the provision of educational services by NJDOC to young people with disabilities, including but not limited to the following categories:

Pre-Visit

- Special education and related services offered
- Evidence of a continuum of educational placements
- Special Education referral process, including interventions and data collected as part of Response to Intervention
- Referral process for considering if a youth requires a 504 Plan

On-Site

- List of students In Referral Process For Special Education Services
- List of students with a 504 Plan
- List of students currently receiving related services, the actual services being provided, and minutes per week
- List of current students qualified to receive special education services, identifying disability classification, intake date, list of annual & tri-annual review dates
- Educational and confidential files (including psychological evaluations, psycho-educational valuations) for an identified number of students with a disability or 504 Plan
- Evidence of alignment between 504 Plans or IEPs transition plans, academic coursework, pre-vocational (e.g., job skills) and vocational training, related services, and other opportunities including but not limited to supervised work, graduated release programs, and participation in mentoring programs
- 504 Plan, class schedule and public school transcripts for students with a 504 Plan
- IEPs for a select group of young people (Up to 20 IEPs per facility will be randomly selected. Also, up to 20 IEPs will be selected per facility based on factors including: (1) evidence of a young person's academic or behavioral failure; (2) discussions with youth and staff, direct observations, and record review that reveal potential concerns with provision of appropriate special education services for a specific young person; and (3) evidence of systemic problems at the facility that indicate certain youth may be at-risk for receiving inadequate special education services.)
 - IEPs & class schedules and public school transcripts for students with disabilities
 - List of the length of time between referral, IEP meeting, writing of IEP, and IEP implementation
 - List of IEPs due and date reviewed in the last 6 months
 - Record of parent contact and parent attendance at IEP meetings for each IEP reviewed
 - Record of student participation in own IEP meetings for each IEP reviewed
 - Specific policies and procedures for measuring student progress on IEP goals and holding teachers accountable
 - I will also conduct a review of previous and current IEPs to ensure

appropriateness, consistency, individualization and implementation, appropriate inclusion of related services and transition plans

4) Information about education and behavior-related evaluations conducted and implemented by NJDOC, including but not limited to the following categories:

Pre-Visit

- Identification of “special” units/areas or educational settings related to youth behavior
- Policies and practices for placing young people in an exclusionary setting (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) and for having them return to the general population
- services Facility security policies/procedures including policies related to use of force, incident reports, and policies for communicating with teachers
- Identification of school- facility-wide behavior plan that includes primary, secondary, and tertiary interventions
- Minor/Major Offenses and associated sanctions for school, living units, and exclusionary settings (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) for last 3 months
- List of segregations for 3 months by inmate and including any disability, reason for segregation, and length of segregation
- Use of Physical Force for 3 months and including any disability and reason for use of force
- School grievances filed last 3 months
- Functional behavioral assessments, manifestation determinations, and any subsequent behavior intervention plans from the last three months
- Current behavioral data that is collected and analyzed to ensure that young people who are **not** currently classified with a disability are monitored and provided appropriate general education interventions
- Current behavioral data that is collected and analyzed to ensure that young people with special needs are monitored, provided appropriate interventions, and behavioral goals are adapted, as appropriate
- Current policies aimed at promoting student attendance in school
- Current policies concerning negative consequences provided to students of school age that refuse to attend school
- For the last 3 months, a list of all students held for more than 10 days at once or in total in any special unit (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) or attending a school program outside of the main school and length of enrollment
- Any documentation reflecting the denial or restriction of inmates from any educational

On-Site

- List of current students who are in any special unit (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) or attending a school program outside of the main school, length of placement, reason for placement, criterion for return to the regular population, evidence that data is collected and analyzed to make decisions about return to the general population, and behavioral interventions in place in the placement

Records for Expert-Identified Inmates to Include:

- Current behavior intervention plans, evidence of implementation, and evidence that data is collected and reviewed
- Current individualized behavior interventions based on student IEP goals or 504 plans, evidence of implementation, and evidence that data is collected and reviewed
- Current data from any facility-wide behavior system
- Current evidence of any secondary (e.g., small group, social skills, etc.) interventions that are in effect in association with Response to Intervention and evidence that data is collected and reviewed
- Movement logs for the past year

5) Information about the curriculum offered by NJDOC, including but not limited to the following categories:

Pre-Visit

- Courses and credit hours for each that are required by state for regular high school diploma
- Courses offered
- Curriculum and texts identified by the state/district/school for each course offered, as well as the actual curriculum and texts being used.
- Vocational and transition courses/services offered, including curriculum and texts used, scope and sequence, enrollment criteria, frequency and duration of class sessions, policies concerning providing certification to inmates
- GED preparation offered, including curriculum and texts used, scope and sequence, enrollment criteria, frequency and duration of class sessions, policies concerning taking the GED exam
- Policy for providing students academic credit at public school upon discharge
- Evidence of inmate participation in state education assessments
- School Report Card

On-Site

N/A

6) Information about NJDOC's recruitment, hiring, onboarding, scheduling, supervision, and retention of teachers for students with disabilities, including but not limited to the following categories:

Pre-Visit

- List of staff members, qualifications, and assignment/role (e.g., courses taught) including certified teachers, number of non-certified teachers, paraprofessionals, aides, related service providers, vocational education and GED instructors
- Daily schedule for each education and special education teacher, subject taught, and location (include vocational and GED teachers)
- Teacher Attendance for last 3 months
- Policy for use of substitute teachers and record of obtaining substitute teaches
- Record of use of substitute teachers
- Procedures for teacher observation and evaluation, schedule of observations, form for observations, feedback provided to teachers from observations and evaluations, any teachers who have/had a remediation plan and details of the plan

On-Site

- Contact logs of related service providers for last 3 months

**7) Information about NJDOE's monitoring activities to ensure NJDOC's provision of special education services, including but not limited to the following categories:
NJDOC/NJDOE Office Review**

Pre-Visit

- See previous list of information needed for NJDOC and NJDOE Offices
- Any relevant documents exchanged between NJDOC and NJDOE
- Any remedial measures NJDOE has instructed NJDOC to take or any disciplinary actions or sanctions NJDOC has been subject to by NJDOE.

On-Site

N/A

8) NJDOC policies and procedures relating to the use of educational exclusion (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental, etc.), including but not limited to the following categories:

Pre-Visit

- Any **and all** due process procedures, manifestation determinations, or other processes used before the imposition of exclusion (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Information about the degree to and manner in which disability is considered before imposing exclusion
- Identification of specific locations educational services are provided
- Information about any education provided by NJDOC, including a list and explanation of instructional approaches used, curriculum, and materials, daily and weekly schedule educational services are provided, daily and weekly schedule that direct teacher instruction is provided, approaches to ensuring youth continued adherence to IEPs, approaches to ensuring progress on IEP goals and objectives (both academic and behavioral), approaches to ensuring continuation of related services

On-Site

- Evidence indicating the implementation of any due process procedures, manifestation determinations, or other processes used before the imposition of exclusion (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)

10) ADA/Section 504 Self-Evaluation and Transition Plans for NJDOC and NJDOE.

11) Information for named plaintiffs while excluded (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.), including but not limited to any of the aforementioned evidence and the following:

- Cumulative education file (including transcripts)
- Confidential file (including current and previous IEPs, psychological reports, psychiatric

reports, psychoeducational reports)

- Curriculum (Within exclusionary setting)
 - Courses provided, texts and materials used
 - Vocational courses provided, text and materials used
 - Pre-vocational (i.e., job skills) courses provided, text and materials used
 - GED preparation courses provided, text and materials used
 - IEPs & class schedules and public school transcripts for students with disabilities
 - List of the length of time between referral, IEP meeting, writing of IEP, and IEP implementation
- Instruction (Within exclusionary setting)
 - Place of instruction
 - Daily and weekly schedule including the number of instructional minutes
 - Assignments/Cell packet examples
 - List of education-related assessments/evaluations used and results
 - Evidence of young person progress on IEP goals and the general education curriculum
 - For last 3 months, number of interruptions in classroom services and the reasons for the interruptions, including class cancellations, lockdowns or other security decisions that resulted in the restriction, denial, alteration, or delay in the provision of educational services, including the number of instances in which “independent study” (or other variations in terminology) has been implemented in lieu of in-class instruction. [SEP]
 - The schedules for all sanctioned activities that occur during the school day (e.g., work experience, canteen, etc.)
 - Homework policy
 - Lesson plans for current and previous week
 - Teacher grade books for current marking period
 - Related services provided to young people
 - Any documentation reflecting the denial or restriction of inmates from instruction
- Behavior (Within exclusionary setting)
 - Policies and practices for placing young people in the exclusionary setting and for having them return to the general population
 - Facility security policies/procedures related to use of force, incident reports, and policies for communicating with teachers
 - Behavior plan for the setting that includes primary, secondary, and tertiary interventions
 - Individual behavior intervention plans/IEP behavioral goals, evidence of implementation, and evidence that data is collected and reviewed
 - For named young people for the last 12 months, the number of exclusions, length of exclusion, reasons for exclusion (movement logs)
 - List of minor/major offenses and associated sanctions for last 3 months
 - Use of Physical Force for 3 months and including any disability and reason for use of force
 - School grievances filed last 3 months
 - Functional behavioral assessments, manifestation determinations, and any subsequent behavior intervention plans from the last three months
 - Current behavioral data that is collected and analyzed to ensure that the young people with special needs are monitored, provided appropriate interventions, and

- behavioral goals are adapted, as appropriate
- Current policies aimed at promoting student attendance in school
- Current policies concerning negative consequences provided to students of school age that refuse to attend school
- Staff (Within exclusionary setting)
 - List of staff members, qualifications, and assignment/role (e.g., courses taught) including certified teachers, number of non-certified teachers, paraprofessionals, aides, related service providers, vocational education and GED instructors
 - Daily schedule for each education and special education teacher, subject taught, and location (include vocational and GED teachers)
 - Teacher Attendance for last 3 months
 - Policy for use of substitute teachers and record of obtaining substitute teaches
 - Record of use of substitute teachers
 - Procedures for teacher observation and evaluation, schedule of observations, form for observations, feedback provided to teachers from observations and evaluations, any teachers who have/had a remediation plan and details of the plan
 -
 - List of IEPs due and date reviewed in the last 6 months
 - Record of parent contact and parent attendance at IEP meetings for each IEP reviewed
 - Record of student participation in own IEP meetings for each IEP reviewed
 - Specific policies and procedures for measuring student progress on IEP goals and holding teachers accountable
 - Contact logs of related service providers for last 3 months

Initial Facility Observation and Interviews

1) Prioritize tours at the following facilities:

- Garden State Youth Correctional Facility
- A.C. Wagner Youth Correctional Facility, including Administrative Segregation unit
- Mountainview Youth Correctional Facility
- New Jersey State Prison, including Administrative Segregation unit
- Central Reception and Assignment Facility

2) Tours include the following:

On-Site Observations

- Libraries
- Computer labs
- Classrooms and all other places where educational services are provided, including all exclusionary areas (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Cells
- Gym and recreation facilities

On-Site Interviews

- 1-1 interviews with youth, including those in exclusionary areas (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) (with necessary safety precautions)

- 1-1 interviews with administrators, including the Director of Education or equivalent for NJDOC
- 1-1 interviews with teachers
- 1-1 interviews with teachers aides
- 1-1 interviews with related service providers
- 1-1 interviews with staff
- 1-1 interviews with living unit personnel
- 1-1 interviews with security personnel
- 1-1 interviews with medical and psychological/counseling professionals
- Group interview with teachers and teacher aides with no administrative staff
- Incidental conversations with youth and teachers are allowable. For example, if a student talks to me during class or in the hallway with what I perceive as a potentially valid issue, I reserve the right to talk with the student or set up another time to talk.

Categories of Document Discovery-Revised by Dr. Gagnon May 25, 2017

for Adam X., et al. v. New Jersey Department of Corrections, et al.

Information is needed for each facility for which there will be an evaluation.

Initial Documents for all NJ Facilities

- All centralized policies and procedures for NJDOC and NJDOE that pertain to educational services provided to people in NJDOC custody, including any instances where information requested below is standardized at the state level and required of all facilities.
- All policies and procedures relating to the intake of young people age 21 and under that are used to determine the NJDOC facilities in which a young person is placed.
- List of all NJ facilities where youth 21 and under are placed and all facilities where youth 21 and under can be placed
- List of all NJ facilities where education is provided and courses available at each, daily and weekly schedule including the number of instructional minutes
- List of all NJ facilities where vocational education is provided and courses available at each, daily and weekly schedule including the number of instructional minutes
- List of all NJ facilities where pre-vocational education i.e., job skills) is provided and courses available at each, daily and weekly schedule including the number of instructional minutes
- List of all NJ facilities where GED preparation is provided, daily and weekly schedule including the number of instructional minutes

General Pre-Visit Documents

- Youth (21 and under) totals by age, disability, attending school, enrolled in GED, participating in vocational education, those housed/educated outside of general population
- Listing of all separate units in the facility (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Map of facility and grounds
- Staffing chart

1) New Jersey Department of Corrections (NJDOC) policies and procedures relating to the intake of young people age 21 and under (hereinafter “young people”), including but not limited to the following categories:

Pre-Visit

- Student handbook
- Intake and Child Find policies, procedures, forms, and assessments
- Policies and procedures for identifying inmates with English as a Second Language
- Length and schedule of activities for pre-enrollment to school
- Process for requesting education and special education records, information from previous educational placements or other service providers, including hospitals, to check if students have already been identified as having a disability
- Policy for placing students in classes

On-Site

- List of student intake dates and dates of IEP meetings
- List of all students who have failed a course in the two previous years in public school and transcripts for each
- Log of communications with public schools for the last month for any young person entering the facility

2) Information about the educational services offered by NJDOC, including but not limited to the following categories, other than curriculum (addressed below):

Pre-Visit

- Any educational waivers from the state
- Most recent external audit of education/special education services
- Most recent internal audit of education/special education services
- Daily, weekly, and school year schedules (including minutes of instruction)
- Policy for student participation in the GED program (if program exists)
- Facility handbook
- School line item budget
- Daily and weekly inmate schedule, including specific school schedule
- Number of classrooms
- Class size
- For last 3 months, number of interruptions in classroom services and the reasons for the interruptions, including class cancellations, lockdowns or other security decisions that resulted in the restriction, denial, alteration, or delay in the provision of educational services, including the number of instances in which “independent study” (or other variations in terminology) has been implemented in lieu of in-class instruction. ^[1]_{SEP}
- The schedules for all sanctioned activities that occur during the school day (e.g., work experience, canteen, etc.) at the main facility school and any variations across other facility schools and/or units (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Homework policy
- Living unit policy concerning possession of educational materials and allocated time for homework
- A listing of all locations where adolescents received educational services outside the physical perimeter of the school
- Current policies reflecting any variation in the provision of education/special education services at the main facility school and any exclusionary areas (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.), including variations in materials, courses available, methods of instruction, access to qualified teachers, minutes of instruction per day and week, and ability to complete homework, as well as identification of the location education services are provided

On-Site

- Number of young people qualified to receive educational services
- Lesson plans for current and previous week
- Teacher grade books for current marking period
- List of students enrolled in each class with identification of those with disabilities on the

list

- List of all students who have failed a course in the two previous marking periods at the facility and transcripts for each
- Examples of student academic work (Requested on-site for those young people identified as having a history of academic failure)

3) Information about the provision of educational services by NJDOC to young people with disabilities, including but not limited to the following categories:

Pre-Visit

- Special education and related services offered
- Evidence of a continuum of educational placements
- Special Education referral process, including interventions and data collected as part of Response to Intervention
- Referral process for considering if a youth requires a 504 Plan

On-Site

- List of students In Referral Process For Special Education Services
- List of students with a 504 Plan
- List of students currently receiving related services, the actual services being provided, and minutes per week
- List of current students qualified to receive special education services, identifying disability classification, intake date, list of annual & tri-annual review dates
- Educational and confidential files (including psychological evaluations, psycho-educational valuations) for an identified number of students with a disability or 504 Plan
- Evidence of alignment between 504 Plans or IEPs transition plans, academic coursework, pre-vocational (e.g., job skills) and vocational training, related services, and other opportunities including but not limited to supervised work, graduated release programs, and participation in mentoring programs
- 504 Plan, class schedule and public school transcripts for students with a 504 Plan
- IEPs for a select group of young people (Up to 20 IEPs per facility will be randomly selected. Also, up to 20 IEPs will be selected per facility based on factors including: (1) evidence of a young person's academic or behavioral failure; (2) discussions with youth and staff, direct observations, and record review that reveal potential concerns with provision of appropriate special education services for a specific young person; and (3) evidence of systemic problems at the facility that indicate certain youth may be at-risk for receiving inadequate special education services.)
 - IEPs & class schedules and public school transcripts for students with disabilities
 - List of the length of time between referral, IEP meeting, writing of IEP, and IEP implementation
 - List of IEPs due and date reviewed in the last 6 months
 - Record of parent contact and parent attendance at IEP meetings for each IEP reviewed
 - Record of student participation in own IEP meetings for each IEP reviewed
 - Specific policies and procedures for measuring student progress on IEP goals and holding teachers accountable
 - I will also conduct a review of previous and current IEPs to ensure

appropriateness, consistency, individualization and implementation, appropriate inclusion of related services and transition plans

4) Information about education and behavior-related evaluations conducted and implemented by NJDOC, including but not limited to the following categories:

Pre-Visit

- Identification of “special” units/areas or educational settings related to youth behavior
- Policies and practices for placing young people in an exclusionary setting (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) and for having them return to the general population
- services Facility security policies/procedures including policies related to use of force, incident reports, and policies for communicating with teachers
- Identification of school- facility-wide behavior plan that includes primary, secondary, and tertiary interventions
- Minor/Major Offenses and associated sanctions for school, living units, and exclusionary settings (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) for last 3 months
- List of segregations for 3 months by inmate and including any disability, reason for segregation, and length of segregation
- Use of Physical Force for 3 months and including any disability and reason for use of force
- School grievances filed last 3 months
- Functional behavioral assessments, manifestation determinations, and any subsequent behavior intervention plans from the last three months
- Current behavioral data that is collected and analyzed to ensure that young people who are **not** currently classified with a disability are monitored and provided appropriate general education interventions
- Current behavioral data that is collected and analyzed to ensure that young people with special needs are monitored, provided appropriate interventions, and behavioral goals are adapted, as appropriate
- Current policies aimed at promoting student attendance in school
- Current policies concerning negative consequences provided to students of school age that refuse to attend school
- For the last 3 months, a list of all students held for more than 10 days at once or in total in any special unit (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) or attending a school program outside of the main school and length of enrollment
- Any documentation reflecting the denial or restriction of inmates from any educational

On-Site

- List of current students who are in any special unit (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) or attending a school program outside of the main school, length of placement, reason for placement, criterion for return to the regular population, evidence that data is collected and analyzed to make decisions about return to the general population, and behavioral interventions in place in the placement

Records for Expert-Identified Inmates to Include:

- Current behavior intervention plans, evidence of implementation, and evidence that data is collected and reviewed
- Current individualized behavior interventions based on student IEP goals or 504 plans, evidence of implementation, and evidence that data is collected and reviewed
- Current data from any facility-wide behavior system
- Current evidence of any secondary (e.g., small group, social skills, etc.) interventions that are in effect in association with Response to Intervention and evidence that data is collected and reviewed
- Movement logs for the past year

5) Information about the curriculum offered by NJDOC, including but not limited to the following categories:

Pre-Visit

- Courses and credit hours for each that are required by state for regular high school diploma
- Courses offered
- Curriculum and texts identified by the state/district/school for each course offered, as well as the actual curriculum and texts being used.
- Vocational and transition courses/services offered, including curriculum and texts used, scope and sequence, enrollment criteria, frequency and duration of class sessions, policies concerning providing certification to inmates
- GED preparation offered, including curriculum and texts used, scope and sequence, enrollment criteria, frequency and duration of class sessions, policies concerning taking the GED exam
- Policy for providing students academic credit at public school upon discharge
- Evidence of inmate participation in state education assessments
- School Report Card

On-Site

N/A

6) Information about NJDOC's recruitment, hiring, onboarding, scheduling, supervision, and retention of teachers for students with disabilities, including but not limited to the following categories:

Pre-Visit

- List of staff members, qualifications, and assignment/role (e.g., courses taught) including certified teachers, number of non-certified teachers, paraprofessionals, aides, related service providers, vocational education and GED instructors
- Daily schedule for each education and special education teacher, subject taught, and location (include vocational and GED teachers)
- Teacher Attendance for last 3 months
- Policy for use of substitute teachers and record of obtaining substitute teaches
- Record of use of substitute teachers
- Procedures for teacher observation and evaluation, schedule of observations, form for observations, feedback provided to teachers from observations and evaluations, any teachers who have/had a remediation plan and details of the plan

On-Site

- Contact logs of related service providers for last 3 months

**7) Information about NJDOE's monitoring activities to ensure NJDOC's provision of special education services, including but not limited to the following categories:
NJDOC/NJDOE Office Review**

Pre-Visit

- See previous list of information needed for NJDOC and NJDOE Offices
- Any relevant documents exchanged between NJDOC and NJDOE
- Any remedial measures NJDOE has instructed NJDOC to take or any disciplinary actions or sanctions NJDOC has been subject to by NJDOE.

On-Site

N/A

8) NJDOC policies and procedures relating to the use of educational exclusion (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental, etc.), including but not limited to the following categories:

Pre-Visit

- Any and all due process procedures, manifestation determinations, or other processes used before the imposition of exclusion (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Information about the degree to and manner in which disability is considered before imposing exclusion
- Identification of specific locations educational services are provided
- Information about any education provided by NJDOC, including a list and explanation of instructional approaches used, curriculum, and materials, daily and weekly schedule educational services are provided, daily and weekly schedule that direct teacher instruction is provided, approaches to ensuring youth continued adherence to IEPs, approaches to ensuring progress on IEP goals and objectives (both academic and behavioral), approaches to ensuring continuation of related services

On-Site

- Evidence indicating the implementation of any due process procedures, manifestation determinations, or other processes used before the imposition of exclusion (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)

10) ADA/Section 504 Self-Evaluation and Transition Plans for NJDOC and NJDOE.

11) Information for named plaintiffs while excluded (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.), including but not limited to any of the aforementioned evidence and the following:

- Cumulative education file (including transcripts)
- Confidential file (including current and previous IEPs, psychological reports, psychiatric

reports, psychoeducational reports)

- Curriculum (Within exclusionary setting)
 - Courses provided, texts and materials used
 - Vocational courses provided, text and materials used
 - Pre-vocational (i.e., job skills) courses provided, text and materials used
 - GED preparation courses provided, text and materials used
 - IEPs & class schedules and public school transcripts for students with disabilities
 - List of the length of time between referral, IEP meeting, writing of IEP, and IEP implementation
- Instruction (Within exclusionary setting)
 - Place of instruction
 - Daily and weekly schedule including the number of instructional minutes
 - Assignments/Cell packet examples
 - List of education-related assessments/evaluations used and results
 - Evidence of young person progress on IEP goals and the general education curriculum
 - For last 3 months, number of interruptions in classroom services and the reasons for the interruptions, including class cancellations, lockdowns or other security decisions that resulted in the restriction, denial, alteration, or delay in the provision of educational services, including the number of instances in which “independent study” (or other variations in terminology) has been implemented in lieu of in-class instruction. ^{[[1]]}_{SEP}
 - The schedules for all sanctioned activities that occur during the school day (e.g., work experience, canteen, etc.)
 - Homework policy
 - Lesson plans for current and previous week
 - Teacher grade books for current marking period
 - Related services provided to young people
 - Any documentation reflecting the denial or restriction of inmates from instruction
- Behavior (Within exclusionary setting)
 - Policies and practices for placing young people in the exclusionary setting and for having them return to the general population
 - Facility security policies/procedures related to use of force, incident reports, and policies for communicating with teachers
 - Behavior plan for the setting that includes primary, secondary, and tertiary interventions
 - Individual behavior intervention plans/IEP behavioral goals, evidence of implementation, and evidence that data is collected and reviewed
 - For named young people for the last 12 months, the number of exclusions, length of exclusion, reasons for exclusion (movement logs)
 - List of minor/major offenses and associated sanctions for last 3 months
 - Use of Physical Force for 3 months and including any disability and reason for use of force
 - School grievances filed last 3 months
 - Functional behavioral assessments, manifestation determinations, and any subsequent behavior intervention plans from the last three months
 - Current behavioral data that is collected and analyzed to ensure that the young people with special needs are monitored, provided appropriate interventions, and

- behavioral goals are adapted, as appropriate
- Current policies aimed at promoting student attendance in school
- Current policies concerning negative consequences provided to students of school age that refuse to attend school
- Staff (Within exclusionary setting)
 - List of staff members, qualifications, and assignment/role (e.g., courses taught) including certified teachers, number of non-certified teachers, paraprofessionals, aides, related service providers, vocational education and GED instructors
 - Daily schedule for each education and special education teacher, subject taught, and location (include vocational and GED teachers)
 - Teacher Attendance for last 3 months
 - Policy for use of substitute teachers and record of obtaining substitute teachers
 - Record of use of substitute teachers
 - Procedures for teacher observation and evaluation, schedule of observations, form for observations, feedback provided to teachers from observations and evaluations, any teachers who have/had a remediation plan and details of the plan
 -
 - List of IEPs due and date reviewed in the last 6 months
 - Record of parent contact and parent attendance at IEP meetings for each IEP reviewed
 - Record of student participation in own IEP meetings for each IEP reviewed
 - Specific policies and procedures for measuring student progress on IEP goals and holding teachers accountable
 - Contact logs of related service providers for last 3 months

Initial Facility Observation and Interviews

1) Prioritize tours at the following facilities:

- Garden State Youth Correctional Facility
- A.C. Wagner Youth Correctional Facility, including Administrative Segregation unit
- Mountainview Youth Correctional Facility
- New Jersey State Prison, including Administrative Segregation unit
- Central Reception and Assignment Facility

2) Tours include the following:

On-Site Observations

- Libraries
- Computer labs
- Classrooms and all other places where educational services are provided, including all exclusionary areas (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.)
- Cells
- Gym and recreation facilities

On-Site Interviews

- 1-1 interviews with youth, including those in exclusionary areas (e.g., medical isolation, protective custody, disciplinary segregation, administrative segregation, mental observation, etc.) (with necessary safety precautions)

- 1-1 interviews with administrators, including the Director of Education or equivalent for NJDOC
- 1-1 interviews with teachers
- 1-1 interviews with teachers aides
- 1-1 interviews with related service providers
- 1-1 interviews with staff
- 1-1 interviews with living unit personnel
- 1-1 interviews with security personnel
- 1-1 interviews with medical and psychological/counseling professionals
- Group interview with teachers and teacher aides with no administrative staff
- Incidental conversations with youth and teachers are allowable. For example, if a student talks to me during class or in the hallway with what I perceive as a potentially valid issue, I reserve the right to talk with the student or set up another time to talk.